

REMARKS

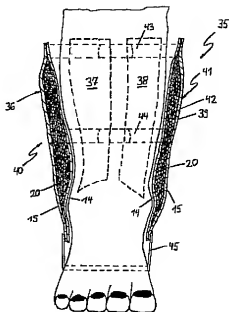
By this amendment, a new drawing sheet showing Figures 13, 14, 15, 16, and 17 has been provided in support of claims 6, 7, and 19. Replacement drawing sheets have been provided for Figures 3 and 11. Claim 4 has been canceled. With regard to the embodiment showing a "cast," this drawing would be identical to that already shown in Figure 8.

With regard to the rejection under 35 U.S.C. §112, first paragraph, it should be clear which elements or members would be "rigid" according to the invention. For example, elements 324, 326 in Figure 2 would be rigid; elements 324, 326 in Figure 3 would be rigid, as would U-shaped element 704 in Figure 7. Indeed, all of the structures used for weight-transfer would be appreciated as "rigid" to any person of skill in the art.

Claims 3, 5-7 and 21 stand rejected under 35 USC §103(a) over Hassler et al. ('400) in view of McDavid, III ('865). Claim 21 has amended to recite "a flexible, continuous band adapted to completely encircle a calf portion of a human leg," as well as other refinements.

The Examiner states, on page 8 of the Office Action, that "an evacuation of interior space obviously will create intimate contact obviously create slip-free contact with the skin." Applicant respectfully disagrees.

Figure 4 of Hassler has been reproduced below. Note that atmospheric pressure exists inside and outside of the members 36, 37, 38, 39, and none of them surround the limb.



The Hassler article includes a bag filled with molded bodies that becomes rigid when the bag is evacuated. Contrary to the Examiner's assertion, *there is no seal to the skin*, and as the bag is evacuated, atmospheric pressure is present on all sides of the bag, including on the side facing the skin. This pressure squeezes the molded bodies making a rigid structure of the bag, but it does not establish contact with the skin. In fact, the pressure tends to do the opposite.

The above drawing shows clearly that the absence of a seal to the skin allows pressure to the inner area near the skin, that actually pushes the bag away from the skin as it becomes rigid. It is clear that it does not create intimate or slip-free contact with the skin. Hassler uses a vacuum only to make a rigid shape that conforms to the shape of the body as a splint. He uses Velcro straps 43 and 44 to hold the bags in place, not vacuum between the skin and bag. Foot loops 45 do not provide a load-bearing function; they just hold the splint in position along with the Velcro straps.

With respect to McDavid US 5,797,865, note that the stirrup member 34 in Figure 11 is hinged at the ankle. This freedom to flex allows only lateral support of the ankle, but does not take the weight off of the ankle. The pivoting connection will not allow full load to be taken by the stirrup. The patient would have to apply forces with the foot to maintain balance. The rigid member described by Applicant does not hinge and allows no load to the foot. There is no evidence whatsoever that it would be obvious to combine Hassler and McDavid "to better support user leg with device." Since the Examiner has failed to establish *prima facie* obviousness with respect to claim 21, Applicant's dependent claims are allowable as well.

Questions regarding this application may be directed to the undersigned by telephone, facsimile or electronic mail.

Respectfully submitted,

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